

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

DATA TREASURY CORPORATION      §  
    §  
    §  
    §  
*Plaintiff*                            §  
    §  
    §  
    §  
v.                                      §  
    §  
    §  
    §  
WELLS FARGO & COMPANY, ET AL.      §  
    §  
    §  
    §  
*Defendants*                            §  
    §

Case 2:06-cv-00072-DF-CMC Document 688 Filed 05/07/2007 Civil Action No. 2:06-CV72DF

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**HSBC DEFENDANTS' REPLY TO RESPONSE TO  
MOTION FOR PROTECTIVE ORDER AND FOR EXTENSION OF TIME**

1.     HSBC North America Holdings Inc. ("HNAH") and HSBC Bank USA, N.A. ("HBUS") respond to Plaintiff's Response to their April 13, 2007 as follows:

**CONFERENCE ISSUE**

2.     In its response, DataTreasury complains about the pre-filing conference on the motion by Defendants. Following an exchange of correspondence (Exhibit "A" hereto), the parties are arranging to meet and confer on the motion on Friday, May 11, 2007. Movants will advise the Court of the outcome of that conference.

**MERITS**

3.     In its March 15, 2007, Order, the court found that the likely benefit of much of DataTreasury's discovery on the "alter ego" issue was outweighed by the burden and expense of discovery on the defendants. The court then allowed limited discovery on a specific issue. To comply with the order for limited discovery, HNAH and HBUS produced board records, including as to joint meetings, while redacting discussions of other businesses and events unrelated to the narrow issue defined by the court. The motion included exhibits detailing the redacted content and

HNAH and HBUS simultaneously sought permission from the Court to file the redacted portions *in camera*. Thus, the movants sought to comply with the limited order while seeking to protect irrelevant and confidential board communications from discovery, including items protected by bank secrecy laws.

4. For the reasons set forth above, movants request that the Court grant this  
Case 2:06-cv-00072-DF-CMC Document 688 Filed 05/07/2007 protective order and allow them to produce redacted documents to DataTreasury and allow the unredacted documents to remain under protection and to not be produced.

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Dated:

Respectfully submitted,

BOUDREAUX, LEONARD, HAMMOND & CURCIO, P.C.

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#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on the 7<sup>th</sup> day of May, 2007 via electronic transmission.

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